Another factor that has to be considered is convenience. It is not a dominant factor though it is one which may assume some importance when other things are equal. The defendants say that it is more convenient that the proceedings should be in Paris but where are the witnesses? surely not in France. A mere balance of convenience is not sufficient ground for depriving a plaintiff of the advantages of prosecuting his action in this court. The defendants have not shown that Singapore is not a convenient place to hear this action.

Another point to consider is that the stay must not cause an injustice to the plaintiffs. Considering all the evidence it seems to me that it will be a great hardship on the plaintiffs if they lose this ship as there is no other way in which they can get security. The ship if released can easily be transferred to another person by the defendants.

Then it is said that the vessel could have been arrested by the plaintiffs before the judgment of the French court was given. Reasons have been given by the plaintiffs why earlier action was not taken and they appear to be reasonable.

In my view the defendants have not satisfied the court that the continuance of the action here would work an injustice because it would be oppressive or vexatious to them or would be an abuse of the process of the court.

The only ground in the motion on which stay is asked for is that the plaintiffs' claim herein has already been satisfied by judgment of the French court. But has the plaintiffs' claim already been satisfied by the judgment of the French court? It is clear from the facts that I have set out that the plaintiffs' claim has not been satisfied. What fruits have the defendants obtained from the French judgment? None at all. The French court has only decided preliminary points in their favour — points of jurisdiction.

The conclusion, therefore, which I arrived at is that this application fails and that I should not exercise my discretion to stay the action which has been brought by the plaintiffs in this case.

The motion was therefore dismissed with costs, but the plaintiffs are restrained from prosecuting the proceedings which they have taken in Holland against the defendants.

Motion dismissed.

Solicitors: *Drew & Napier; Rodyk & Davidson.*

LAU LEK ENG & 7 ORS. v. THE MINISTER FOR HOME AFFAIRS, SINGAPORE & ANOR.

[O.C.J. (Wee Chong Jin C.J.) March 25, 1972]

[Singapore — Originating Motion No. 3 of 1971]

Criminal Law and Procedure — Habeas Corpus — Detention under Internal Security Act (Cap. 115, 1970 Ed.).

Constitutional Law — Internal Security Act (Cap. 115, 1970 Ed.) s. 8(3) — Detention under — Allegation that detention was in an improper manner — Whether remedy of habeas corpus available — Internal Security (Detained Persons) Rules, 1960, r. 86.

Internal Security — Detention — Whether superintendent's order was unlawful — Internal Security (Detained Persons) Rules 1960, r. 86 — Internal Security Act (Cap. 115, 1970 Ed.) s. 8(3).

This was a joint application by eight female applicants for a writ of *habeas corpus*. The applicants had been detained under the Internal Security Act (Cap. 115). They claimed that they were detained in an improper manner.

It was alleged that sometime in the middle of 1970, they were ordered by the superintendent of their place of detention to join a "hobby" class where they were required to do manual work for five hours a day. On their refusal to comply with this order, they were punished by being confined in punishment cells for weeks and deprived of "privileges" such as visits, newspapers and reading materials. They contended that the superintendent's order was unlawful as the new rule 86 of the Internal Security (Detained Persons) Rules, 1960, was *ultra vires* section 8(3) of the Act, and the punishment meted out to them rendered the manner of their detention improper.

Held, dismissing the application: (1) the new rule 86 falls within the scope of the powers conferred by section 8(3) of the Act on the Minister to make rules for the discipline of persons detained in a place of detention and is not inconsistent with rule 84;

(2) *habeas corpus* is not an available remedy to an application relating to the manner and conditions of detention.

MOTION.

T. T. Rajah for the applicants.

Francis T. Seow (Solicitor-General), as he then was, and *Kan Ting Chiu* (Deputy Public Prosecutor) for the respondents.

Cur. Adv. Vult.

Wee Chong Jin C.J.: This is a joint application by the abovenamed eight female applicants for a writ of *habeas corpus*. The applicants have been detained under the Internal Security Act (Cap. 115). Though they do not claim that the orders of detention are illegal or invalid, they claim that they are being detained in an improper manner.

They say they are political detainees who have been placed under preventive detention under the Internal Security Act (hereinafter referred to as "the Act") and are different from convicted criminals who are under punitive detention. They say that the Legislature has provided for the manner and conditions of detention of persons detained under the Act in section 8(2) and (3), the provisions of which read as follows: —

"8.—(2) Every person detained in pursuance of an order made under paragraph (a) of subsection (1) or of a direction given

under subsection (1A) shall be detained in such place as the Minister may direct (hereinafter called 'a place of detention') and in accordance with instructions issued by the Minister and any rules made under subsection (3).

(3) The Minister may by rules provide for the maintenance and management of any place referred to in subsection (2) and for the discipline of persons detained therein."

Rules were made under section 8(3) and are known as "The Internal Security (Detained Persons) Rules, 1960" (hereinafter referred to as "the Rules"). Rule 84 provides as follows: —

"84. Detained persons shall not be required to do any labour other than that which is necessary for keeping their rooms, furniture and utensils clean and the place of detention clean and in good order, and for the preparation of food, but shall do any work for any such purpose which the Superintendent may direct them to perform".

In 1970 rule 86 of the Rules was deleted and replaced by a new rule 86 which is as follows: —

"86. The Superintendent may, for the purpose of promoting the well-being of detained persons, require them to participate in such recreational, vocational and other programmes as may be determined by the Minister from time to time:

Provided that sick, convalescent and other detained persons may, on the recommendation of a Medical Officer or for such other reason as the Superintendent may think fit, be exempted by the Superintendent from participating in any such programme".

The applicants say that sometime in the middle of 1970 they were ordered by the superintendent of their place of detention to join a "hobby" class where they were required to do manual work such as tailoring and other types of manual work for five hours a day. They say that on their refusal to comply with this order they were punished by being confined in punishment cells for weeks and deprived of "privileges" such as visits and newspapers and reading materials.

They contend that the superintendent's order is unlawful as the new rule 86 is *ultra vires* section 8(3) of the Act and, if their contention is correct, the punishment meted out to them for their refusal to obey the unlawful order of the superintendent renders the manner of their detention improper.

Their allegation that they had been ordered to attend a "hobby" class and had been punished for refusing to do so is denied by the acting superintendent of their place of detention. In his affidavit the acting superintendent stated that the applicants, except Lim Ah Kiang, were informed that because of the new rule 86 they would be required to attend vocational training classes but as plans for such classes for female detainees had not been finalised he had given no instructions to the applicants to attend any vocational training classes. I accept the acting superintendent's version but it is desirable that I should deal with the applicants' contention that the new rule 86 is *ultra vires* section 8(3) of the Act.

The new rule 86 enables the superintendent of a place of detention to require detenus to take part in such recreational, vocational and other programmes as may be determined by the Minister from time to time. The applicants' contention is that "vocational" training does not come within the powers given to the Minister by section 8(3) of the Act and is inconsistent with rule 84 because vocational training is manual labour. I am unable to accept this contention. In my judgment the new rule 86 falls within the scope of the powers conferred by section 8(3) of the Act on the Minister to make rules for the discipline of persons detained in a place of detention and is not inconsistent with rule 84. It seems to me wholly unreal to construe rule 84 so as to include vocational training as labour within the meaning of rule 84.

The other grounds relied on by the applicants in support of their application for *habeas corpus* relate to the manner and conditions of their detention and not to the legality of their detention under the Act. In my judgment, on those grounds, *habeas corpus* is not an available remedy and I would dismiss the application with costs.

Application dismissed.

Solicitor: *T. T. Rajah.*